WD2239 B490

App F.IX 4]

1924.

File No: 261-24

Previous References. (Misc)

Serial Nos. 1–6

Later references.

GENERAL & REVENUE SECRETARIAT

Serial Nos. 6

Part B for July 1925

SUBJECT

Appeal petition from Basavich praying that the order passed by the Dy Commissioner may be cancelled and that the rights of the Pujaris of Basavanna temple at Dharwar be respected & Valuation

G.O. No. 134 dated 28.7.25 To the Dist Comr

The case is remanded to the Dy. Comr. for recording his findings.

G. R. S. 11] 1924

GENERAL AND REVENUE SECRETARIAT.

(Inwards

NOTES.

File No. 261/1924.

FILE HEADING.

Pujariship of Basaveswara Devaru temple at Ankanahalli, Clospet Sub-Taluk.

From

Basavaiah Son of Lingayat Pattiah.

No. Dated 4-4-25. Received 11-4-25.

Diary No.	Enclos.	Spare Copies.	Serial No.
1618	2	-	1

BRIEF ABSTRACT OF LETTER.

9) Appeals against the Dy. Comrs order confirming order of the Sub Divl officer removing the aplt from the Pujariship of the said temple, and prays that after a cancellation of

NOTES AND ORDERS.

This order, the aplt or at any rate his brother may kindly be re-instated

The appeal petition is duly stamped. An authenticated Copy of the order appealed against has been produced.

NOTES—First Sheet.

Muzrai Secretariat | Muz. File No. 761 of 192

Serial No	
	Appeal is in time The Dy. Comrs. order appealed against having been passed on 5th March 1925.
	2) The present dispute relating to the temple Pujarishp was before Govt in 1924, and under orders of the present 1st member who heard the contending parties, The case was remanded to the Dy. Comr for disposal on merits after hearing the prmn pets.
	3) The Dy. Comr has heard the contending parties and has passed the order now appealed against removing the apt from the Pujarishp.
	4) Against this order, the pets has appealed to Govt
(2)	From, Basavaiah. Petition dt 16-4-25. Prays that the Dy Comrs order now appealed...

NOTE—Contn sheet

WD 0561—GPB—37.0—1 8 22

1618+1639 (3

S. III. 2]

Muzrai Secretariat

Muz. File No. 401 of 1924

Serial No.

may be kept in abeyance pending the disposal of the appeal petition

5) The petr. complains that his opponent is trying to make a forcible entry into his house to take possession of temple properties etc. and prays for a stay order.

Submitted
17.4.25 17.4.25

6) The petitioner contends that the office is hereditary, and should not be given to the counter petitioner who is a stranger to the family. The Dy. Comr. in his order, seems to think that the office is not hereditary. The point requires investigation, as also why ~~appeal~~ the petitioner is removed etc

A Stay order may perhaps be issued as asked for by the petitioner & the records called for.

17.4.25

18.4.25

Rec. Rep. (MM)

7) The records may be called for

410/1924

The order directing the removal of the petr from the office may be stayed & he be kept in charge pending the disposal of his appeal. It is open to the Dy. Comr. however to hear the case already fixed for 28th inst.

NOTE—Contn. sheet

WD 0561 - GPB- 3750—1 8 22

21/4

Muzrai Secretariat | Muz. File No. 451 of 192 24

Serial No.

8) Dfs. Submits -

DJ 21-4-25 DJ 21-4-25

9) Issue ~~Letter to Mutt Head~~

DJ 22-4-25.

3 To the Muzg. Commr. No. M. 1540 dt. 22-4-25

From the petr. regd. to in Rl. 1 for report & request that the order directing the removal of the petitioner from the office may be held in abeyance pending disposal of the appeal if it has not been already given effect to.

4 To Mr. Petr. Banerjee, M.A.B.L.

5. From, the Muzrai Comr. Letter no. 1255 DJ 30-5-1925.

Submits the report with records called for in the above.

10) The Dy. Comr. States in his order appealed against, that the father and uncle of the apltt were Archaks before him, that they were appointed by the Patel

NOTE—Contn sheet

General and Revenue Secretariat.

File No. 61 of 19 24

Serial No.

as Archaka's, that this is not an appointment by due authority and that there appears to have been no express stipulation in writing that the office was hereditary.— Thus the appointment in question is not hereditary

11) The appellant alleges that the appointment in question is hereditary in his family. (Vide appeal petition)

12) May the appeal-petition be posted for hearing, an opportunity being thus given to the apelt to produce the evidence in support of the hereditary nature of the appointment alleged by him.

Submits for orders.

16-6-25

12-6-25

13) The note is superficial

16-6-25.

G.R.S. III 21

File No. of 19 .

General and Reven
Secretariat.

Serial No.

NOTE—Contn. Sheet

Muzrai Secretariat | Muz. File No. 261 of 1926

9.

Serial No.

14) This is an appeal by Basaviah Son of Pitiah against the order of the Bangalore Dy. Comr removing the apltt from the Pujarishp of Basavanna Devaru temple at Ankanahalli, closet Sub-Taluk.

15) Muz F. no. 222-23 on the subject is submitted.- In 1923, the present appellant Basaviah appealed to Govt against the Dy. Comr's order removing him from the Pujarishp for misconduct. The Records and the Dy. Comr's report which were called for having been received, the contending parties were heard by the Govt members, and the case was remanded to the Dy. Comr for disposal on merits after hearing the apltt (G.O. no. 372 Dy 5-9-1924)

NOTE—Contn. sheet

WD 0561-GPB-3750-1822

Muzrai
Secretariat

Muz. File No. 167 of 1924

Serial No

16) As directed by Govt, the Dy. Comr has heard this case and has dismissed the appeal with the observation that the father and uncle of the appt were Bhakas before him, that they were appointed by the Patel as Bhakas and this is not an appointment by due authority, and that there appears to have been no express stipulation in writing that this office was hereditary.

17) Against this order, Basaniah has since appealed to Govt. - His main contention is that the office is hereditary in his family. A perusal of the petition will show that the grounds now

NOTE—Contn sheet

S [II 2]

Muzrai Secretariat | Muz. File No. 167 of 192 64

Serial No.

urged in support of the hereditary nature of the office, are the same as those mentioned in the previous appeal, petition of 9-2-92, which led to the order of remand.

(2 no. A/1 (222-23))

W

18) In his present petition, in support of his contention that the office is hereditary in his family, the appellant refers to certain Khirdi records which he has not produced. The case was heard by the Dy. Comr. before he passed the order now appealed against, and the apt does not explain why he did not then produce them if he was really in possession of the papers.

J

19) As oral evidence, the apt refers to Patel

NOTE—Contn. sheet

WD 0561—GPB—3750—1 8 22

R S. III. 2]

Muzrai Secretariat

Muz. File No. 151 of 1924

Serial No.

Krishna Swda's Statement before the Dy. Com. Amildar on 23-2-23
In his previous appeal petition
of Feby. 1923, he had referred
to this very Statement which
was taken into Consideration
before the order of remand
was passed. The Patel's Statement
shows that the Talkar and
uncle of the apltt were Brahmins.
In the Statement of the Villagers
of 5.4.23, it is stated that the
aplts' Talkar Pattiah was
appointed as Pujari by the
Patel's Talkar Sirie Swda
and the Office is not hereditary.
(ಅರ್ಚಕರ ಪದವಿ ವಂಶಪಾರಂಪರ್ಯವಲ್ಲ
ಎಂದು ತಿಳಿಸಿದರು). It is complained
that the aplts' previous character is
bad, that he is given to
smoking Ganja with Panigas,

NOTE—Contn sheet

VD 0561—GPB—9750—1 8 22

1839

S. III-2]

Muzrai Secretariat | Muz. File No. 161 of 1924

Serial No.

and that the deponees have not taken further any proceedings at his hands. In his statement before me Dy. Collector in April 1923, the apltt has admitted that before him, his fathers and uncle were Pujaris.

2) The apltt has not produced any documents to show that his fathers was appointed as Archaka by Govt.

3) It is not known if he is in possession of any deeds in support of his contentions and the appeal will be dismissed, he posted for hearing.

Encl: Nil

[illegible]
30-8-1925

NOTE—Contn. sheet

WD 0561-GPB-3750-1 8 22

GRS III 21

1824

File No. 261 of 19 24

General and Secretariat.

Serial No.

May the Hon Genl be asked to submit a report on the points raised in the Members Minute? or may the case be posted for hearing?

SG

14.7.25

(62 Members)

336

14.7.25

The Dept Comm has dismissed the appeal of the appellants on the ground that the land is not a hereditary estate. But whether the land is a hereditary estate or not,

NOTE—Contn Sheet

Serial No.

4) It is seen from the records that the appellant was removed from his Archakaship by order of the S.D.O. as he was working as his amulder [illegible] were of opinion, [illegible] on the general enquiry of them among the villagers that he was unfit for the Archakaship on account of his [illegible] character; The appellant's contention is that the complaints of immorality were made against him by some of the villagers was due to split in party feeling among the villagers.

5) The Dept'l Enq. in which the appellant appeared as [illegible] his dismissal & the I Dte has not recorded any finding in respect of the charges against him; but has dismissed the appeal on the ground that the appellant has no hereditary right in the office

6) Even assuming that the appellant [illegible] was not a hereditary pujari, the fact remains that he had to long been in possession of the office and he should not be removed from it in the absence of satisfactory grounds merely NOTE Contn Sheet on 'A'

G.R S III 2

1829

File No. 201 of 19 24

General and R Secretariat.

Serial No.

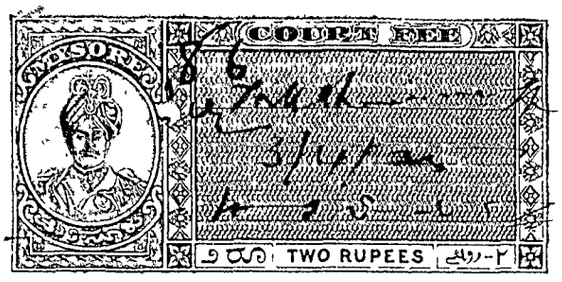
When a cognizance is sent by the subordinate Court with the finding to be again remanded by the Court for recording his finding regarding the charge against the appellant, in accordance with which he has been remanded for appeal, for disposal in accordance with such finding.

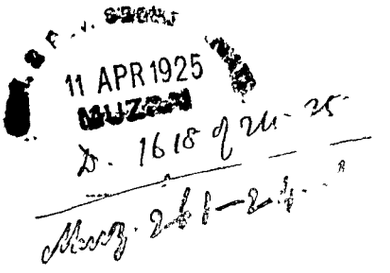
Dy
14/2/25
15
15.2.25.

Dft. S.C. Remitter
A.V.
17.2.25 B.G.
17.2.25

Issue
17.2.25.

To. The Asst Commr. No 134 & 28 I 25.
Remanded the case
for further enquiry and disposal





9.4.25.

Before the Government of
His Highness the Maharaja of Mysore,
Bangalore.—

Rev Petn

Huzurai Revision appeal no:
of 24-25.

Appellant vs. Respt.

Basaviah. Nagamangalam
Son of Puttiah, residing at -
Lingayat, re- Lakkondahalli
siding at Dodda- Closepet Tq.
Anvanahalli,
Kyalancha Hobli
Closepet Taluk.

Under Sec. 22 of Huzarai
Regulation:—

The appellant named above
begs to prefer this appeal against
the Order of the Learned Deputy -
Commissioner in appeal no: I of 23/24
confirming the Order of the Learned
Assistant Commissioner of Closepet
on the following grounds:—

1) The Learned Deputy Commissioner
has but literally conformed to

The order of
Government in Huzerai Ap.
of 23-4; he erred in merely rei-
-terating after remand what he
had already stated prior to it "that
the appointment had not crysta-
-lised into a heriditary tenure by
being held for three generations."
2) The Learned Deputy Commissioner
erred in finding on a matter of
fact that the appointment had
not been held for three generations
successively. From the manager
of the villagers & the Statement of
the Patel the avowed enemy of
the appellant it is clear that the
office was held by the appellant's
father, by the appt's uncle, by
the appellant's uncle's son, by
the appellant's brother & lastly
by the appellant himself. The -
statement that the appellant's own
brother & his cousin brother ie -
appellant's uncle's son had divi-
-ded the lands & were attending
to work by shifts showed that the
office & emoluments apperte-
-nant thereto, were treated as

Mr. K. Lakshminarayanappa
Advocate for Appt
4-4-25

villagers + all other parties concerned acquiesced in their being so treated.

3) Apart from this, the Learned Deputy Commissioner erred in Law in holding that the tenure doesn't ripen into a hereditary right during the lifetime of the 3rd Office holder but only during that of the IV th Office-holder. The Learned Deputy Commissioner in the guise of interpreting the Statute has really engrafted a further restriction on section 34 of the Nuzerai Regulation.

4) The Learned Deputy Commissioner erred in holding that the appt's father + uncle were appointed by the Patel; on the other hand the Office was being held all along only by the ancestors of the appt's family. The Girkoli records that are still extant bear this out fully.

5) In any event the Learned Deputy Commissioner erred in ignoring the claims of the appt's own brother + his uncle's sons to whose holding the Office even the

The Patel had no dye
his Statement before the E
Amildar dated 23-2-23 ఆ పూజారి
పుట్టయ్యను మగశీద్దయ్యను యీగా వేసాని
యని వీరయ మన సాక్షులు ఇచ్చినాడు. ....
... ఇవన్నీ ఎట్లా పొసగే మాటలు ఆలోచించు?
(vide Hanumegowda's Statement
on the same date). The Learned
Deputy Commissioner ought not
to have confirmed the order of
appointment in favour of a
total stranger altogether.

6) The Learned Deputy Commissioner
failed to see that the root-cause
of the whole controversy resulting
in the making of frivolous &
reckless allegations against the
appt. was the fact that one-
Muralingegowda purchased a
garden which was laid claim
to by the Patel under the ostensible
purpose of rescuing the village
common but really for his
selfish ends & that that Muri-
-lingegowda happened to be a
close friend of the appellant. vide
villagers' petition dated 12-2-23.
ఆ తగవు తీర్చిన కొండన మన మరియే
కొండను నమ్మరు కాబట్టి రెవిన్యూ రికార్డులు
దొరకు కాపును. చేసిన పని

Mr. N. Lakshminarasimhappa
Advocate
for Appt.
4-4-25

వ్యాజ్యపు ఆదుకొన్నారు పత్రము
రా. స్థానములలో రెవిన్యు వర్తన్ ఈ ఆనందమే. ఇవను
కొంచాంగ్ల కర వసూలు అయ్యాను"

11 But that the cause of the pati
this partizans is unjust is proved
by the fact that the Learned Deputy
Commissioner himself decides
that the said land belongs to
Haralingegowda trust to the villagers
as alleged by them them.

81 From the very same statement
ie the villagers petition dated
12-2-23 it is clear that the -
number of devotees of the insti-
-tution is 90 while the petition
asking for the removal of the applt
& placing the Respt in his stead
is only about 34. Granting for the
sake of argument but not Con-
-ceding that the tenure was not
hereditary the Learned Deputy
Commissioner failed to notice
that the removal of the applt
from the office was not at all
warranted by the mandate of
the requisite number of the -
devotees according to the rules
framed by the Government in
that behalf.

For these reasons the appellant

The Orders
Set aside & the appellant at
any rate his brother kindly be
~~reinstated~~. reinstated

Mrs. V. Lakshmi
narasappa
Advocate for Appts
4-6-25

DEPUTY COMMRS BANGALORE DIST.

ಎಂಟು EIGHT ANNAS ಎ೮-೮

This Copy is prepared on the application of Mr mirle N. Lakshmi Narayanappa, Advocate for Basavaiya, appellant in Muzrai Appeal No. 1 of 1923-24, praying for the grant of a copy of order passed by the Deputy Commissioner, in the above appeal.

In the court of the Deputy Commissioner
Bangalore District.

Present :— B Venkobarao, Esq., BA.,
Deputy Commissioner,

Dated 5th March 1925.

Muzrai Appeal No 1 of 1923-24

Appellant :— Basavayya
(By) Mr Lakshmi Narayanappa.

VS

Respondent :- Nagamangalaiya.

This is an appeal against the order of the Sub-Division Officer, Closepet, removing the appellant from the Pujarishipof Basavanna Devaru temple at Ankanhalli in the Closepet Sub Taluk.

The original appeal filed before this office by the appellant was dismissed in this office order dated 11th Jan 1924, as being out of time and that on merits there were no reasons to interfere with the sub-Division officer's order which was passed after personal inspection and that the 'hak' of the appellant had not crystalised by being held for three generation

The appellant preferred an appeal against order to Government who have in their order No. 372 | Mug-2,22-23 dated 5th September 1924 remanded the case to this office after giving a hearing to the appellant.

Order

Mr Lakshminarayanappa for the appellant.
Mr. N. V. Narasimhaiengar for the respondent.

2. The case has been heard as desired by the Government. The father and uncle of the appellant were archakas before him. They were appointed by the Patel as archakas and this is not an appointment by due authority and there appears to have been no express stipulation in writing that the office was hereditary. When the succession opened for the present appellant, the appointment had not crystallised into a hereditary tenure by having been held for three generations, only two members of the family having held the appointment before them. Under the circumstances the appellant has no case and the appeal is dismissed.

In open court.

Bangalore 3-1925

(Sd) B. Venkobarao.
Deputy Commissioner.

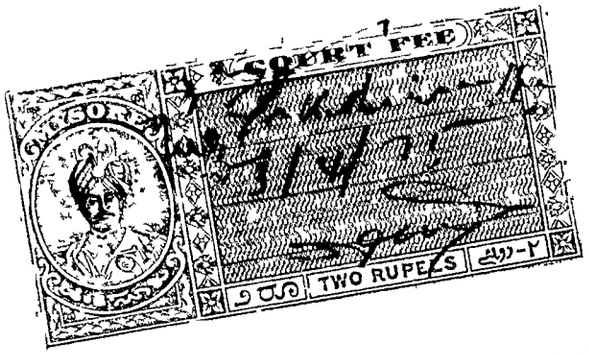
DEPUTY COMMISSIONER'S OFFICE BANGALORE DISTRICT

"Copy"

Copy applied for on 6th March 1925.
do ready on 20th March 1925.
do delivered on 24 March 1925.
No. of words. 360.
Copying fees 0-8-0
Comparing " 0-1-4

B. Ramanatha Rao
District Shirastedar
Bangalore

Compd



Before the Court of His Highness
the Maharaja of Mysore, Bangalore

IN THE COURT OF THE

~~OF~~

Mem: R. Ap. Case No. of 1924—1925.

Appt
Basavian

VS.

Respt
nagamangalam

1. I ...the . Appt ... ...above named do, by these presents retain **Mirle N. Lakshmi Naranappa Esq.,** B A , LL B , to appear for and conduct the above case on..... ...my... ....behalf to judgment

2 I....further empower him to execute any decree, or order that may be passed in ....behalf, and to receive from court such sums of money as.... it... may be entitled to get and to grant receipts therefor.

3. I.....also undertake to confirm and ratify all the legal acts done by the said .. .... Advocate in so doing.

Dated...December— 1925.

Accepted

Mirle. N. Lakshmi
Naranappa.
advocate

Signed before me and personally
konwn to me

Mirle. N Lakshmi
Naranappa.
advocate

Kohinur Press, Mysore

Before the Government of His Highness the

Maharaja of M y s o r e .

Muzrai Petition No. of 1924 - '25.

Petitioner: Basaviah, residing at Dodda Ankanahalli, Clospet Taluk.

vs

Cpponent Nagamangaliah, residing at Lakkojanahalli, Clospet Taluk.

The petitioner named above begs to state as follows :-

1. That the petitioner has filed a petition for setting aside the order of the Learned Deputy Commissioner of Bangalore in Muzrai Apl. No.1 of 23-24.

2. The main ground urged by the petitioner in the said petition is that the Learned Deputy Commissioner did not carry out the spirit of the order of remand of the Government in Muzrai Apl. 7 of 23-24.

3. One other important ground urged therein also is that the petitioner is an Archak by hereditary right and that the majority of the devotees not having given their express consent to his removal he ought not to have been removed.

4. The petitioner learns that the Government have been pleased to admit the petition and

and call for the records.

5. In the meanwhil the opponent who is a total stranger to the place and to the family of the petitioner is making attempts to wrest from the petitioner all the paraphernalia belonging to the temple.

6. They consist of sacred relics and heir-looms hich have been in the custody of the petitioner's family from time i memorial and when once they go to his hands it will be impossible to get them back intact from him.

The opponent who is merely a tool in the hands of the enemies of the petitioner with the help of the Sheikdar and the petty local Police Officials is trying to make a forcible entry into the house of the petitioner at a time when the male members of his house hold would be absent, overawe the ladies and take possession of the things; the petitioner learns that his two brothers by name Siddiya and Gowdiya have been unlawfully and in a most high-handed manner ~~been~~ arrested and kept in custody since yesterday, a procedure not warranted by the law.

8. In these circumstances it is respectfully prayed that the Government may kindly be pleased to direct the court below to keep the order in abeyance pending the disposal of the petition.

Bangalore,

16th April 1925.

Mark. N. Lakshm
Narasappa
Advocate for the petitioner.

Petitioner.

G. R. S. VI - G-32]

B50—WD 0527

SUBJECT

Diary No of letter replied to

2115

Section Mang.

File No. 21-24.

Serial No

General and Revenue Secretariat

( )

, the 192

No. 1540

To

two petitioners with their deeds

The Insp. Comr

Date of issue 22-4-25

Signed by Dm-T-R.

Sir,

I am directed to forward herewith for favour of report with records petitions dtd nos 1639 & 1618 dtd 4-4-25 & 16-4-25 from Basavaraj appealing against the Dy. Comrs. order removing the archaka from the Pujari-Ship of Basavanna Devaru temple at Ankanahalli, Arsikere Taluq, and to represent that the order directing the removal of the pets from the office may be held in

over

abeyance pending the
disposal of the appeal,
if it has not been
already given effect to.

I have do.

21.4.15

Off Rev. Secretary

21/4/15

G. R. S. VI–G-32]

B50 –WD 0527

SUBJECT

Diary No. of letter replied to

Section Mus

File No 261–24

Serial No. 4

General and Revenue Secretariat

( )

, the 192

No. 1556

Date of issue 25.4.25

To

Signed by M T R

With reference to his petition dt 4th April 1925 appealing against the Dy. Comrs. order removing him from the Pujariship of Basavanna Devaru temple at Ankanahalli, closest Sub-Court, Basavaiah of Dodda Ankanahalli, is informed that a report has been called for from the Asst. Comr with a request that the order directing the removal of the petr from the office may be held in

over

abeyance pending
the disposal of the
appeal if it has
not been already
given effect to.

By order

22/4/25

Dy. Regr. Secretary.

22/4/25

48773

Office of the Muzrai Commissioner in Mysore.

Dated Bangalore, 29th May 1925.

From

C. S. Balasundaram Iyer, Esq., B.A.,

Muzrai Commissioner in Mysore,

Bangalore.

GEN. & REV SECRETARIAT
2-JUN1925
MUZRAI

Dno 1839

Rng:261-23-5

GENL. & REV. SECTT.
Br. Muz
To
31. MAY 1925
G. D. SECTION.

The Secretary to the Government of

His Highness the Maharaja of Mysore,

Revenue Department.

Sir,

With reference to your letter No.1240/Muz.261-24-3 dated 22nd April 1925 forwarding for report with connected records petition from Basaviah appealing against the Bangalore District Deputy Commissioner's order removing him from the Pujaris hip of Parvathadevaru temple at Ankananalli, Closepet Sub Taluk, I have the honor to submit herewith the entire records bearing on the subject together with the said appeal petition and its enclosures received with the Deputy Commissioner's letter No.C.3-324-25 dated 26th May 1925.

I have the honor to be,

Sir,

Your most obedient servant,

For Muzrai Commissioner.

(Absent from Station.)

G.R.S. VI–71]

SUBJECT.....

.....

.....

Diary No. of letter replied to..... 1838

General and Revenue Secretariat

( )

, *the* 191

Date of issue.....

Signed by.....

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette Kannada Part ?

Section Jud 3

File No. 25

Serial No. 1826

Proceedings of the Government of His Highness the Maharaja of Mysore.

Memo. no 372/Muz-222-23 dy 5.9.24 remanding W.P. no 15 dy. Comr. for disposal on merits the case relating to the Pujarship of Basavapura Devaru Petition Recd no 1618 dy 14 April 1925 from Basaraja Son of Puttiah of Dodda Ankanahalli, Closed Sub-Taluk appealing against the Dy Comrs. order confirming the Sub Divl Officer's order removing the appellant from the Pujarship of the said Basavanna Devaru temple.

Order-Thereon—No

Sri Basavanna Devaru temple at Dodda Ankanahalli Closed Sub Taluk

Correspondence ending with
Action no. 1265 dt 30.5.1925
from the Inspector General
reporting on the subject.

Under 134 Cover 261-24-6
Enclosures files

It is seen from the
records that the appt
was removed from the
Marine Ship by order of
the Sub Divl Officer
as he as well as the
Muldar here of opinion
on general enquiry by
them among the villagers
that he was unfit
for the Pilotage on
account of his bad
immoral ways. The
appellants' contention is
that the complaint of
immorality etc. made
against him by some of

List of enclosures.

Copied by

Examined by

WD 1744—GPB—30 000—17-3-19

R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

The Villagers ~~was~~ is due to spite and party feeling among the Villagers.

The Dy Comr to whom the apltt appealed against his dismissal by the Sub Divl. Officer, has not recorded any findings in respect of the charges against him, but has dismissed the appeal on the ground that the apltt had no hereditary right to the office.

Even assuming that the apltt was not a hereditary Pujari the fact remains that he had long been in possession of the office and he should not be removed from it in the absence of satisfactory grounds merely at the

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of some of the villagers.

The case with therefore be again Remanded to the Dy Comr for recording his finding Regarding the charges against the appellant on account of which he has been removed from office and for disposal in accordance with such finding:

17.7.25

Dy Comr Secretary

24.7.25

Dy

Dy Comr Amroha